

United States District Court
Western District of New York

United States of America,
Plaintiff

vs

Anthony Galea,
Defendant

Notice of Motion for Adjustment of
Sentencing Scheduling Order

Indictment № 10-Cr-00307-RJA

The defendant, Anthony Galea, by the undersigned, hereby moves this Court for an order adjourning his sentencing and correlatively changing the schedule for other events related to sentencing, including the dates for the preliminary and final PSIR submissions, by one month for the reasons stated herein.

Date: August 17, 2011

Respectfully submitted,
/s/ Mark J. Mahoney

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(Attorneys for Anthony Galea)

TO: Paul J. Campana, Esq.
Assistant United States Attorney
138 Delaware Avenue
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David Ball, USPO
U.S. Probation Office
68 Court Street, 2nd Floor
Buffalo, New York 14202

United States District Court
Western District of New York

United States of America,
Plaintiff

vs

Anthony Galea,
Defendant

Affirmation in Support of Motion
for Adjustment of Sentencing
Scheduling Order

Indictment № 10-Cr-00307-RJA

Mark J. Mahoney, affirms to be true and states under penalty of perjury as follows:

1. I represent the defendant, Anthony Galea, in the above referenced case.
2. This affirmation is made in support of the foregoing Motion for Adjournment of Sentencing for a period of approximately one month.

Background

3. On July 6, 2011, Dr. Galea pled guilty to 21 USC § 331(a) and 333(a)(2) (introducing misbranded drugs into interstate commerce).

4. The following schedule was set for sentencing:

- initial Presentence Investigation Report due by September 6, 2011;
- Statement with Respect to Sentencing Factors, etc., due by September 28, 2011;
- Notice by the defendant of government failure to file 5K1.1 motion, if applicable, due by October 3, 2011;
- Responses to objections and/or motions due by October 5, 2011;
- Motions to adjourn sentencing due by October 11, 2011;
- Final Presentence Investigation Report due by October 12, 2011;
- Character letters and/or sentencing memorandum in support of the defendant due by October 12, 2011.

- Sentencing on October 19, 2011 at 12:30 pm.

Reasons to Adjourn

5. Since his plea Dr. Galea has met with the probation officer. However, due to border crossing delays which cut short the time actually devoted to the interview, his interview had to occur over more than one occasion, the last of which occurred on August 16.

6. We are also in the process of obtaining additional information needed for the probation office for use in preparing the PSIR, and I now anticipate more time being needed to prepare materials for the Court in relation to sentencing than was originally allowed.

7. Dr. Galea also needs additional time in relation to fulfillment of the conditions of his plea agreement.

8. For all these reasons, additional time to prepare for sentencing and to complete the PSIR are needed.

9. My office has been in touch with both AUSA Paul J. Campana and USPO David Ball. They are both aware of our request, and consent to adjourning his sentencing schedule for one month.

Speedy Trial

10. For the reasons articulated herein, and pursuant to the provisions of 18, USC § 3161(h)(7)(A) and (7)(B)(ii) and (iv), the ends of justice are served by the exclusion of all this time and outweigh the interest of the public, the defendants, and the government in a more rapid imposition of sentence.

Conclusion

WHEREFORE, the undersigned respectfully requests that the Court grant the foregoing motion and adjust the entire sentencing scheduling order by one month.

Dated: August 17, 2011

/s/ Mark J. Mahoney

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v.

Certificate of Service
Docket № 10-Cr-00307-RJA

Anthony Galea,
Defendant

Ivonne DeLuca, a Legal Assistant with the office of Harrington & Mahoney, located at 70 Niagara Street, 3rd Floor, Buffalo, New York 14202-3093 affirm to be true and state under penalty of perjury that on August 17, 2011 the Motion for Adjournment of Sentencing was electronically filed with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

1. Paul J. Campana, AUSA
2. David Ball, USPO (via e-mail)

/s/ Ivonne DeLuca

Ivonne DeLuca

Sworn before me this
17th day of August, 2011
/s/ Ian M. Harrington

Ian M. Harrington, Notary Public
Qualified in Erie County
My Commission Expires 4/19/2014